

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

HERB CHAMBERS 1186, INC. d/b/a  
HERB CHAMBERS INFINITI OF BOSTON

Plaintiff,

v.

DONALD A. SMITH, JR., PRESTIGE AUTO  
IMPORTS, INC. d/b/a WEBSTER AUTO SALES,  
and REZA PARINEJAD,

Defendants.

13-cv-11798 (IT)

**AFFIDAVIT OF ATTORNEY DANIEL J. PASQUARELLO  
IN SUPPORT OF SECOND MOTION FOR ENTRY OF DEFAULT JUDGMENT**

I, Daniel J. Pasquarello, Esq., hereby depose and state as follows:

1. I am an attorney and a member in good standing of the Bar of the Commonwealth of Massachusetts.

2. I am counsel for defendants and cross-claimants Reza Parinejad and Prestige Auto Imports, Inc. d/b/a Webster Auto Sales (collectively, "Webster") in the above-entitled action. I am familiar with the file, records, and pleadings in this matter.

3. Webster filed and served a Cross-Claim on Defendant Donald A. Smith, Jr. on July 31, 2013 (Document 5), which was served on Smith's counsel by first class mail on July 31, 2013. Smith failed to answer the Cross-Claim, which answer was due by August 25, 2013.

4. This action was stayed in November, 2013, while the parties engaged in mediation, until March 1, 2014.

5. Webster reached a settlement with Plaintiff concerning any claims asserted against Webster by the Plaintiff.

6. Smith failed to plead, answer, or otherwise defend the Cross-Claim within the time allowed. Webster requested entry of default in June 2014, which the Court entered (Document 40).

7. Smith is not an infant or an incompetent person. Upon information and belief, Smith is not in the military service of the United States.

8. Webster's Cross-Claim asserted counts for Indemnification, Contribution, and Misrepresentation. Webster seeks its attorney's fees in this matter as part of its damages. Webster also seeks recovery of its costs and any amounts paid in settlement.

9. Webster seeks recovery of damages in this matter, including payments made in settlement and attorney's fees incurred in this matter concerning claims asserted by the Plaintiff, in the amount of \$318,636.32.

10. Webster also seeks interest in an amount to be determined, and costs in the amount of \$1,454.50, itemized as follows:

<b>Description:</b>	<b>Amount:</b>
Fee for Filing Notice of Removal (7/29/13):	\$400.00
Copy charges, Suffolk Superior Court (7/29/13):	\$5.00
Fee for Certified Copy of State Court Docket (8/8/13):	\$732.50
Fee to obtain two certified copies of August 1, 2014 Federal Court Order releasing and modifying prejudgment security (8/8/14):	\$22.00
Fee to Record August 1 Order in Norfolk County Registry of Deeds (8/8/14):	\$75.00
Fee to Record August 1 Order in Middlesex County Registry of Deeds (8/8/14):	\$75.00
Fee to title company to record August 1 Order (9/18/14):	\$35.00
Fee to Record Release of Attachment in Middlesex County Registry of Deeds for Truman Road property (3/5/15):	\$75.00
Fee to title company to record Release of Attachment (4/4/15):	\$35.00
<b>Total:</b>	<b>\$1,454.50</b>

11. Copies of Webster's Cross-Claim (Document 5), its Request for Entry of Default (Document 37), its Motion for Entry of Default Judgment (Document 58), and its Second Motion for Entry of Default Judgment (Document 65) were served upon Stephen J. Gill, Esq., counsel for Smith, by first class mail at the time those documents were filed.

12. A proposed form of default judgment in support of Webster's Second Motion for Entry of Default Judgment is submitted herewith.

Signed under the pains and penalties of perjury this 24<sup>th</sup> day of June 2015.

/s/ Daniel J. Pasquarello

**CERTIFICATE OF SERVICE**

I certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing ("NEF") and a paper copy will be sent to Stephen J. Gill, Esq., counsel for Donald A. Smith, Jr., by first class mail this 24<sup>th</sup> day of June at the following address: 11 Middle Street, Natick, MA, 01760.

/s/ Daniel J. Pasquarello